

## **APPENDIX M.**

**PROGRAMMATIC AGREEMENT BETWEEN THE USDI BUREAU OF LAND MANAGEMENT, KANAB FIELD OFFICE; USDI OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT; UTAH DIVISION OF OIL, GAS, AND MINING; AND UTAH STATE HISTORIC PRESERVATION OFFICER REGARDING THE ALTON COAL TRACT LEASE BY APPLICATION PROJECT**

---



**PROGRAMMATIC AGREEMENT  
BETWEEN THE  
U.S.D.I. BUREAU OF LAND MANAGEMENT, KANAB FIELD OFFICE;  
U.S.D.I. OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT;  
UTAH DIVISION OF OIL, GAS, AND MINING;  
AND UTAH STATE HISTORIC PRESERVATION OFFICER  
REGARDING  
THE ALTON COAL TRACT LEASE BY APPLICATION PROJECT**

WHEREAS, the Bureau of Land Management, Kanab Field Office (BLM KFO) has received a Lease by Application (LBA) filed by Alton Coal Development, LLC to mine federal coal using primarily surface-mining methods near the town of Alton, Utah (hereafter "Project"); and

WHEREAS, the Bureau of Land Management is a federal land management agency responsible for receiving and processing applications for leasing of solid leasable minerals pursuant to 42 CFR 3425, Leasing on Application, and for establishing multiple uses of federal lands in providing for present and future generations as authorized by the Federal Land Policy and Management Act (FLPMA) of 1976 (43 USC 1701 et seq.); and

WHEREAS, BLM KFO has determined that issuing a lease to mine federal coal is an undertaking as defined in 36 CFR 800.16(y); and

WHEREAS, the Federal Office of Surface Mining Reclamation and Enforcement (OSM) is responsible for preparing and submitting a mining plan recommendation package upon issuance of a lease by BLM KFO to the Assistant Secretary of the Department of the Interior, Land and Minerals Management pursuant to the Surface Mining Control and Reclamation Act (SMCRA) of 1977 (30 USC 1201 et seq.); and

WHEREAS, OSM has determined that submission of a Federal Mine Plan package to the Assistant Secretary of the Department of the Interior, Land and Minerals Management is an undertaking as defined in 36 CFR 800.16(y); and

WHEREAS, the Department of the Army, U. S. Army Corps of Engineers has designated BLM to act on their behalf (Attachment A) for this Project as the lead Federal agency pursuant to 36 CFR 800.2(a)(2); and

WHEREAS, BLM KFO will be the lead Federal agency and shall coordinate overall actions required under this Agreement as specified herein until a lease to mine federal coal is issued after which OSM will be the lead Federal agency and shall coordinate overall actions required under this Agreement; and

WHEREAS, The Utah Division of Oil , Gas and Mining (UDOGM) is responsible for permitting of coal mining in the State of Utah under an approved program issued by the Office of Surface Mining Reclamation and Enforcement pursuant to Surface Mining Control and Reclamation Act of 1977 (30 USC 1201 et seq.) and is a consulting party to this agreement; and

WHEREAS, UDOGM, as an agency in the State of Utah that has a responsibility to comply with Utah Code Annotated §9-8-404, intends to employ this Agreement to address the applicable requirements for

actions resulting from this Agreement and has therefore been invited to be an Invited Signatory to this Agreement pursuant to 36 CFR 800.2(c)(3); and

WHEREAS, the Advisory Council on Historic Preservation (ACHP) has elected to not participate in the consultation process for this Project under 36 CFR 800.2(b) (1); and

WHEREAS, Federal agencies consult with the Utah State Historic Preservation Officer (SHPO) to ensure that historic properties are taken into consideration at all levels of project planning and development for undertakings that may affect historic properties pursuant to 36 CFR 800.2(c)(1); and

WHEREAS, BLM KFO and OSM, in consultation with the SHPO, have agreed to develop a Programmatic Agreement (hereafter "Agreement") for this complex project pursuant to 36 CFR 800.14(b) because the effect on historic properties cannot be fully determined prior to approval, and because the phased approach adopted by this agreement is a departure from the consultation process detailed in 36 CFR 800.1 et seq.; and

WHEREAS, BLM KFO and OSM are responsible for government-to-government consultation with federally recognized Indian Tribes for this undertaking and are the lead Federal agencies for all Native American consultation and coordination, and has formally invited the Indian Tribes and Native American organizations listed in Attachment B to participate in consultation, and continue to be consulted regarding the potential effects of the Project on historic properties pursuant to 36 CFR 800.2(c)(2); and

WHEREAS, the Office of the Governor, Public Lands Policy Coordination Office, Kane County, and the City of Panguitch have participated in consultation and have been invited to be Concurring Parties to this Agreement pursuant to 36 CFR 800.2(c)(3); and

WHEREAS, the Alton Coal Development, LLC has participated in consultation and has been invited to be a Concurring Party to this Agreement pursuant to 36 CFR 800.2(c)(4); and

WHEREAS, BLM KFO and OSM have formally invited those parties listed in Attachment C to participate in consultation for the Project pursuant to 36 CFR 800.2(c)(5); and

WHEREAS, the National Park Service, Bryce Canyon National Park has participated in consultation and has been invited to be a Concurring Party to this Agreement; and

WHEREAS, the Utah Statewide Archaeological Society (USAS) has participated in consultation and has been invited to be a Concurring Party to this Agreement; and

WHEREAS, Ms. Bobbi Bryant of Panguitch and Mr. Bruce McMahan of Panguitch have participated in consultation and have been invited to be Concurring Parties to this Agreement; and

WHEREAS, unless defined differently in this Agreement, all terms are used in accordance with 36 CFR 800.16; and

NOW, THEREFORE, the Consulting Parties agree that the Project shall be administered in accordance with the following stipulations:

## STIPULATIONS

The BLM KFO and OSM will ensure that the following measures will be carried out:

1. The successful lessee (hereafter “lessee”) will fund all cultural resources work required under this Agreement, including: conducting Class I and III inventories, Reconnaissance Level Surveys, preparation of draft and final reports, preparation of Historic Properties Treatment Plans, analysis, monitoring, curation, and other mitigation. The lessee may use a cultural resource consultant (CRC), consistent with Stipulation 4 below, to complete the requirements listed in this stipulation.
2. BLM KFO and OSM will continue to consult with appropriate Indian Tribes regarding historic properties of religious and cultural significance in accordance with the National Historic Preservation Act (NHPA).
3. BLM KFO and OSM will ensure that all work undertaken to satisfy the terms of this Agreement meets the Secretary of the Interior’s Standards and Guidelines for Archaeological and Historic Preservation (48 FR 44716-77442, September 23, 1983) (hereafter “Secretary’s Standards”) and takes into consideration the ACHP’s Recommended Approach for Consultation on Recovery of Significant Information from Archaeological Sites, May 1999, Section 106 Guidance (at: <http://www.achp.gov/archguide/>), and Guidelines for Evaluating and Documenting Traditional Cultural Properties, *National Register Bulletin 38*, 1989, as incorporated by reference herein.
4. BLM KFO and OSM will ensure that all cultural resources fieldwork and reporting performed to satisfy this Agreement is carried out by or under the direct supervision of a person or persons meeting, at a minimum, the applicable professional qualifications standards set forth in the Secretary’s Standards. BLM KFO will also ensure that the terms of this agreement are carried out in accordance with any existing BLM guidelines for cultural resources (prehistoric or historic).
5. Identification of historic properties.
  - a. *Area of Potential Effects (APE)*. The APE for the Project will include the entire lease area and a buffer extending one-mile from the external boundaries of the lease area; the proposed haul route along US Highway 89, Utah Highway 20, Interstate Highway 15, and Utah Highway 56 and a buffer extending 500 feet on each side of the haul route highway centerlines; the Panguitch Historic District; the town of Alton, Utah; and the town of Hatch, Utah. The APE is depicted in Attachment D.
  - b. *Class I Cultural Resources Inventory*. A Class I Cultural Resources Inventory will be prepared that summarizes known cultural resources; including prehistoric and historic archaeological sites, traditional cultural properties, and historic architectural properties, inside the Project APE. Class I inventory data will minimally include archaeological and site files maintained by BLM KFO and by the Utah Division of State History, General Land Office maps, current United States Geological Survey maps, the National Register of Historic Places, and published historical documents concerning this area. The Class I cultural resources inventory report will include summaries of existing research on the effects of noise and vibration to historic properties.

- c. *Class III Cultural Resources Inventory.* A Class III Cultural Resources Inventory will be conducted in all portions of the APE where Project activities will result in new ground disturbance. Portions of the APE where Project activities will result in new ground disturbance will not be subject to Class III re-inventory if the area has been inventoried at Class III standards within ten years prior to the execution of this Agreement. Class III inventory will be conducted where necessary inside the APE by archaeologists walking 15-meter wide, parallel transects. All prehistoric and historic period archaeological sites identified will be recorded on site forms consistent with BLM standards.
- d. *Reconnaissance Level Survey.* A Reconnaissance Level Survey (RLS) to document and evaluate historic buildings will be conducted for all portions of the APE that have not been subject to survey for historic buildings within ten years prior to the execution of this Agreement. All necessary RLS will meet the Utah State Historic Preservation Office RLS Standard Operating Procedures in effect at the time of the survey.

## 6. Reporting

- a. Upon completion of Class III inventory, a Class III Cultural Resources Inventory Report will be prepared by the Lessee's Cultural Resource Consultant (CRC). This report will describe the cultural resources inventory effort as a whole, describe the inventory methods used, provide the results of both Class I and Class III inventories, and make recommendations for the National Register of Historic Places (NRHP) eligibility of all historic localities discovered or revisited.
- b. Upon completion of all RLS, a RLS Report will be prepared by the CRC. This report summarizes the results of the survey and will meet the reporting requirements detailed by the Utah State Historic Preservation Office RLS Standard Operating Procedures in effect at the time of the survey.
- c. Draft Class III Cultural Resources Inventory Reports and draft RLS Reports will be submitted to BLM KFO and OSM by the CRC. BLM KFO and OSM will have thirty calendar days to provide comments.
- d. BLM KFO and OSM will provide Tribes and Consulting Parties with an opportunity to review and comment on Class III Cultural Resources Inventory Reports and RLS Reports prior to agency submission to SHPO. Tribes and Consulting Parties will have thirty calendar days to provide comments to BLM KFO and OSM.
- e. Final Class III Cultural Resources Inventory Reports and RLS Reports that consider comments made by BLM KFO and OSM will be submitted by the CRC to BLM KFO and OSM to support agency decisions regarding National Register of Historic Places eligibility determinations.
- f. Upon completion of Phase I (testing) as prescribed by the Historic Properties Treatment Plan (HPTP), a Phase I Results report will be prepared. This report will describe the cultural resources test excavation effort as a whole, describe the testing methods used, provide the results of appropriate artifact analysis, and make revised recommendations

for the National Register of Historic Places (NRHP) eligibility of all historic localities tested.

- g. Draft Phase I Results reports will be submitted by the CRC to BLM KFO and OSM for distribution to Consulting Parties. Consulting Parties will have 30 calendar days from receipt of the draft Phase I Results report to provide comments to BLM KFO and OSM.
- h. Final Phase I Results reports that consider comments made by BLM KFO and OSM will be submitted by the CRC to BLM KFO and OSM to support agency decisions regarding National Register of Historic Places eligibility determinations and the need for Phase II work as prescribed by the HPTP.
- i. Upon completion of Phase II (data recovery) as prescribed by the HPTP, a Phase II Results report will be prepared by the CRC. This report will describe the cultural resources data recovery effort as a whole, describe the methods used, and provide the results of appropriate artifact analysis at all historic localities treated.
- j. Draft Phase II Results reports will be submitted by the CRC to BLM KFO and OSM for distribution to Consulting Parties. Consulting Parties will have 30 calendar days from receipt of the draft Phase II Results reports to provide comments to BLM KFO and OSM.
- k. Final Phase II Results reports that consider comments made by BLM KFO and OSM will be submitted by the CRC to BLM KFO and OSM.
- l. All cultural resources reports prepared for the Project will meet or exceed the Secretary's Standards.

#### 7. National Register of Historic Places Eligibility Determinations

- a. BLM KFO and OSM are responsible for all National Register of Historic Places (NRHP) eligibility determinations.
- b. BLM KFO and OSM will evaluate the historic significance of sites within the APE pursuant to 36 CFR 800.4(c).
- c. BLM KFO and OSM will consult with SHPO regarding their NRHP eligibility determinations for sites within the APE pursuant to 36 CFR 800.4(c).

#### 8. Historic Properties Treatment Plan

- a. Prior to commencement of mining activities, a Historic Properties Treatment Plan (HPTP) will be developed by the Lessee's Cultural Resource Consultant (CRC) and implemented that addresses the adverse effects of the Project to historic properties; including prehistoric and historic archaeological sites, historic architecture, and Traditional Cultural Properties (TCPs). The HPTP will identify the nature of the effects to which each historic property will be subjected and the proposed treatment to avoid, minimize, or mitigate adverse effects. If data recovery excavation is proposed as a mitigation measure, the HPTP may not be implemented until required state and federal

excavation permits have been issued by BLM and/or the Utah Public Lands Policy Coordination Office.

- b. Mitigation of adverse effects to prehistoric or historic archaeological historic properties will be conducted in phases. Phase I mitigation will include archaeological testing of NRHP eligible and unevaluated sites to determine the potential for each site to provide necessary information to address relevant local and regional research issues. Phase II mitigation will involve data recovery excavation at those sites identified during Phase I mitigation to contain data relevant to local and regional research issues and will occur at those sites selected for data recovery excavation prior to inclusion of the area surrounding a site in a Project Mine Plan submitted to OSM.
- c. A Native American Graves Protection and Repatriation Act (NAGPRA) Plan of Action will be developed by the CRC and included as part of the HPTP pursuant to 43 CFR 10.3
- d. Monitoring and inadvertent discoveries plans will be developed by the CRC and included as part of the HPTP. The HPTP will identify those areas that will be monitored. Cultural resources discovered during Project activities will be treated in accordance with the inadvertent discoveries plan.
- e. Consulting Parties will be invited to send representatives to a meeting with BLM KFO and OSM prior to submission of an initial draft HPTP. The purpose of this meeting will be to discuss historic property treatment options and to solicit comments from Consulting Parties regarding proposed treatment options.
- f. A draft HPTP will be submitted to BLM KFO and OSM for distribution to Consulting Parties. Consulting Parties will have 30 calendar days from receipt of the draft HPTP to provide comments to BLM KFO and OSM.
- g. A final HPTP that takes into consideration comments made by Consulting Parties will be submitted by the CRC to BLM KFO and OSM for distribution to Consulting Parties. Consulting Parties will have 14 calendar days from receipt of the final HPTP to provide comments to the BLM KFO and OSM. If a Consulting Party does not submit comments within 14 calendar days of receipt of the final HPTP, BLM KFO and OSM may assume that they have no objection to the adequacy of the plan.
- h. The final HPTP, revised as necessary, will be submitted by the BLM to SHPO for comment. SHPO will have 30 calendar days from receipt to provide comments to BLM KFO and OSM. If SHPO does not submit comments within 30 calendar days of receipt, BLM KFO and OSM may assume that SHPO has no objection to the adequacy of the plan.

## 9. Project Authorization

- a. OSM and BLM KFO may allow the lessee to seek authorization to proceed from UDOGM to begin operations in those portions of the lease area permitted by UDOGM that do not contain historic properties or TCPs subject to any provisions that may be contained in the HPTP.

- b. OSM and BLM KFO may allow the Lessee to seek authorization to proceed from UDOGM to begin construction in those portions of the APE that do contain historic properties once the agreed-upon fieldwork and treatment as specified in the HPTP is completed and approved by OSM and BLM KFO, a UDOGM mining permit is approved, and a Federal Mine Plan is approved. OSM and BLM KFO will have 7 days from receipt of adequate documentation that fieldwork and treatment is complete to comment. Complete results of the treatment effort will be submitted in a report to OSM and BLM KFO within 1 year of completion of field work. OSM and BLM KFO will have 90 days from receipt of this report to review and comment.
- c. Authorization for treatment and/or construction will only occur subsequent to the Lessee having been issued a Special Use Authorization and specific notices-to-proceed, along with any other necessary federal or state authorization.

#### 10. Human remains.

- a. *Discovery Notification.* If human remains, or potential human remains, associated or unassociated funerary objects, or objects of cultural patrimony are discovered, work within 100 feet of the discovery will stop immediately. Verbal notification of the discovery will be made immediately to local law enforcement authorities, the appropriate land management agency official, and the Antiquities Section of the Utah Division of State History.
- b. *Assessment of Remains.* Human remains discovered on federally managed land will be treated consistent with all requirements of NAGPRA and its implementing regulations at 43 CFR 10. Human remains discovered on land administered by the State, School and Institutional Trust Lands Administration, or privately owned land will be treated consistent with all requirements of applicable Utah State Laws regarding the treatment of human remains including, Utah Code Annotated (UCA) 76-9-704, UCA 9-8-302, UCA 9-8-309, and UCA 9-9-401 et seq.
- c. *Resumption of Work.* Work in the immediate vicinity of the human remains may not resume until after the disposition of the human remains is determined. Permission to proceed will come from the OSM, after appropriate consultation with SHPO and appropriate Tribal representatives.

#### 11. Review Meeting

- a. OSM and BLM KFO will invite Tribes and Consulting Parties to a meeting to review the implementation of this agreement every five years in concordance with DOGM's mining permit renewal schedule and will continue throughout the life of the Project or termination of this Agreement. Participants will be provided with an update on project schedule, status, and any ongoing relevant cultural resources monitoring or mitigation activities, discovery situations, or outstanding tasks to be completed under this Agreement or the HPTP.

#### 12. Protection of confidential information.

- a. OSM and BLM KFO shall ensure that all confidential information, as defined in Section 9 of the ARPA, Section 304 of the NHPA, and Section 63-2-304(26) of the Government Records Access Management Act (GRAMA) and provisions in SMCRA is managed in such a way that historic properties, archaeological resources, traditional cultural values, and sacred objects are not compromised, to the fullest extent available under law.
- b. Each Consulting Party to this Agreement shall safeguard information about the nature and location of archaeological, historic, and traditional cultural properties, pursuant to Section 9 of the ARPA, Section 304 of the NHPA, and Section 63-2-304(26) of the GRAMA and SMCRA.

### 13. Dispute resolution.

- a. Should any Signatory or Concurring Party to this Agreement object, in writing, at any time to any actions proposed or the manner in which the terms of this Agreement are implemented, the OSM and BLM KFO shall consult with the objecting party to resolve the concern within 45 days. If the OSM and BLM KFO determine that the concern cannot be resolved, the OSM and BLM KFO shall:
  - i. Forward all documentation relevant to the dispute, including the OSM and BLM KFO's proposed resolution to the ACHP. The ACHP may provide the OSM and BLM KFO with its advice on the resolution of the concern within 30 days of receiving adequate documentation. Prior to reaching a final decision on the dispute, the OSM and BLM KFO shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP or Consulting Parties to this Agreement, and provide them with a copy of this written response. The OSM and BLM KFO will then proceed according to its final decision.
  - ii. The OSM and BLM KFO's responsibility to carry out all other actions subject to the terms of this Agreement that are not subject of the dispute will remain unchanged.

### 14. Amendments.

- a. Any Consulting Party to this Agreement may request that it be amended, whereupon the Signatories of this Agreement will consult to consider such amendment. An amendment will become effective upon written agreement by all Signatories of this Agreement.

### 15. Termination.

- a. Any Signatory to this Agreement may terminate it by providing 30-calendar day notice, in writing, to the other Signatories, provided that the Signatories will consult during the period prior to termination to seek agreement on amendments or other actions that will avoid termination. In the event of termination, the OSM, BLM KFO and other Signatories will comply with 36 CFR 800.1 et seq. with regard to individual actions covered by this Agreement.

16. Term.

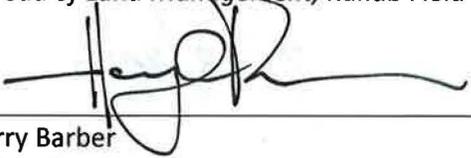
- a. This Agreement shall be effective when all Signatories have signed and will remain in effect for 20 years.
- b. The term of this Agreement may be extended by written agreement by all Signatories.

Execution of this Agreement by the Signatories and implementation of its terms evidence that the OSM and BLM KFO have taken into account the effects of this Project on Historic Properties and afforded the ACHP an opportunity to comment.

*This page intentionally blank*

**SIGNATORIES**

*Bureau of Land Management, Kanab Field Office*



Harry Barber  
Field Office Manager

6/24/13

Date

*Office of Surface Mining Reclamation and Enforcement*



Robert Postle  
Division Chief, Program Support Division, OSM Western Region

7/8/13

Date

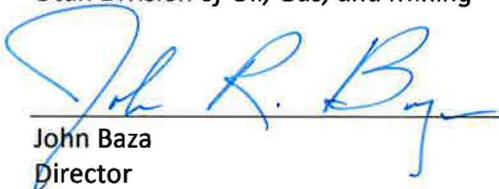
*Utah State Historic Preservation Officer*

P. Bradford Westwood  
State Historic Preservation Officer

Date

**INVITED SIGNATORIES**

*Utah Division of Oil, Gas, and Mining*



John Baza  
Director

9/5/13

Date

CONCURRING PARTIES

Office of the Governor, Public Lands Policy Coordination Office

  
Kathleen Clarke  
Director

7/22/2013  
Date

Garfield County

  
Leeland Pollock  
Commissioner

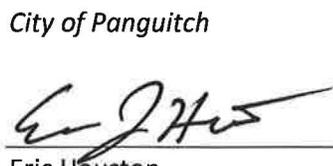
1-28-14  
Date

Kane County

  
Jim Matson  
Commissioner

2-7-14  
Date

City of Panguitch

  
Eric Houston  
Mayor

12/20/2013  
Date

Alton Coal Development, LLC

  
Larry W. Johnson  
Mine Manager

12/18/2013  
Date

Ms. Bobbi Bryant

\_\_\_\_\_  
Bobbi Bryant  
Date

*Mr. Bruce McMahan*

---

Bruce McMahan

Date

*National Park Service, Bryce Canyon National Park*

---

John Wessels

Date

Regional Director, Intermountain Region, National Park Service

*Utah Statewide Archaeological Society (USAS)*

---

Jeff Roberts

Date

President, Utah Statewide Archaeological Society, Central Utah Chapter

*This page intentionally blank*

ATTACHMENT A: DEPARTMENT OF THE ARMY, U. S. ARMY CORPS OF ENGINEERS LETTER



REPLY TO  
ATTENTION OF

DEPARTMENT OF THE ARMY  
U.S. ARMY ENGINEER DISTRICT, SACRAMENTO  
CORPS OF ENGINEERS  
1325 J STREET  
SACRAMENTO CA 95814-2922

March 16, 2012

Regulatory Division SPK-2011-01248

Mr. Harry Barber, Field Office Manager  
Bureau of Land Management,  
Color Country District - Kanab Field Office  
669 South Hwy 89A  
Kanab, Utah 84741

Dear Mr. Barber:

This letter concerns the designation of lead Federal agency for the proposed Alton Coal Tract Lease by Application (3021 (UT-040)) project. The proposed Alton Coal Tract is located on or near Kanab and Lower Robinson Creeks, in part of Sections 7, 18, 19, 20, 30, and 31, Township 39 South, Range 5 West, and part of Sections 12, 13, 24, and 25, Township 39 South, Range 6 West, Salt Lake Meridian, approximate Latitude 37.4076 North, Longitude 112.4656 West, south of Alton, Kane County, Utah.

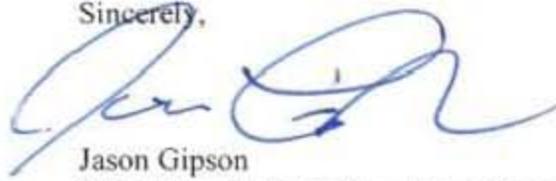
In response to your March 6, 2012 invitation to participate as a consulting party under Section 106 of the National Historic Preservation Act, and the possible future applicant request for Department of the Army (DA) authorization, for unavoidable discharges of dredged or fill material into waters of the United States at Alton Coal Tract, we hereby designate Bureau of Land Management (BLM) as the lead Federal agency to act on our behalf for purposes of compliance with the Section 7 of the Endangered Species Act (ESA) and Section 106 of the National Historic Preservation Act (NHPA).

When you initiate consultation under Section 7 of the ESA or Section 106 of the NHPA, please include a statement indicating that the Corps of Engineers has designated BLM as the lead Federal agency for Alton Coal Tract, along with a copy of this letter.

Please refer to identification number SPK-2011-01248 in any correspondence concerning this project. If you have any questions, please contact Karen Clementsen at 196 E Tabernacle St, Suite 30, St George, UT 84770-3474, email [Karen.L.Clements@usace.army.mil](mailto:Karen.L.Clements@usace.army.mil), or telephone 435-986-1961. For more information regarding our program, please visit our website at [www.spk.usace.army.mil/regulatory.html](http://www.spk.usace.army.mil/regulatory.html).

We appreciate your feedback. At your earliest convenience, please tell us how we are doing by completing the customer service survey on our website under Customer Service Survey.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jason Gipson", with a stylized flourish at the end.

Jason Gipson  
Chief, Nevada-Utah Regulatory Branch  
Sacramento District

**ATTACHMENT B: TRIBAL CONSULTATION SUMMARY**

Although no American Indian reservations or lands owned in fee by Tribes are found within the Project APE, BLM KFO and OSM have initiated consultation with a number of American Indian Tribes whose traditional territories are within the Project area. BLM KFO and OSM have contacted those American Indian Tribes listed below to determine their interest in participating in this project as a Consulting Party and to provide each Tribe an opportunity to identify its concerns consistent with 36 CFR 800.0(c)(2).

<b>Native American Tribe</b>	<b>Contact Person</b>	<b>Contact Method</b>	<b>Date of Contact</b>
Cedar Band of Paiutes	Lora Tom, Chairwoman	Letter	March 6, 2012
Hopi Tribe*	Wayne Taylor, Chairman	Letter	March 6, 2012
Indian Peaks Band of Paiutes	Anthonia Tom, Chairwoman	Letter	March 6, 2012
Kaibab Band of Paiute Indians*	Manual Savala, Chairman	Letters	January 3, 2012 January 30, 2012 March 6, 2012
Kaibab Band of Paiute Indians	Manual Savala, Chairman	Council Meeting	February 16, 2012
Kanosh Band of Paiutes	Phil Pikyavit, Chairman	Letter	March 6, 2012
Koosharem Band of Paiutes	Elliot Yazzie, Chairman	Letter	March 6, 2012
Moapa Band of Paiutes	William Anderson, Chairman	Letter	March 6, 2012
Navajo Nation*	Joe Shirley, President	Letter	March 6, 2012
Navajo Nation – Bodaway/Gap Chapter	Billy Arizona	Letter	March 6, 2012
Navajo Nation – Cameron Chapter	Teddie Bedonie	Letter	March 6, 2012
Navajo Nation – Coalmine Canyon Chapter	Kenneth Nez	Letter	March 6, 2012
Navajo Nation – Kaibeto Chapter	Phillip J. Brown	Letter	March 6, 2012
Navajo Nation – Lechee Chapter	Irene Nez – Whitekiller	Letter	March 6, 2012
Navajo Nation – Navajo Mountain Chapter	Leo Manheimer	Letter	March 6, 2012
Navajo Nation – Olijato Chapter	James Black	Letter	March 6, 2012
Navajo Nation – Tuba City Chapter	Max D. Goldtooth, Sr.	Letter	March 6, 2012
Paiute Indian Tribe of Utah*	Jeanine Borchardt, Chairwoman	Letter	March 6, 2012

<b>Native American Tribe</b>	<b>Contact Person</b>	<b>Contact Method</b>	<b>Date of Contact</b>
Pueblo of Zuni	Arden P. Quetawki, Governor	Letter	March 6, 2012
Shivwits Band of Paiutes	Charlotte Lomeli, Chairwoman	Letter	March 6, 2012
Ute Tribe	Betsy Chapoose	Letter	March 6, 2012

(\*) Indicates the Cultural Resource Director, Cultural Preservation Office, Historic Preservation Department or Environmental Director was also mailed a separate Consulting Parties Invitation Letter.

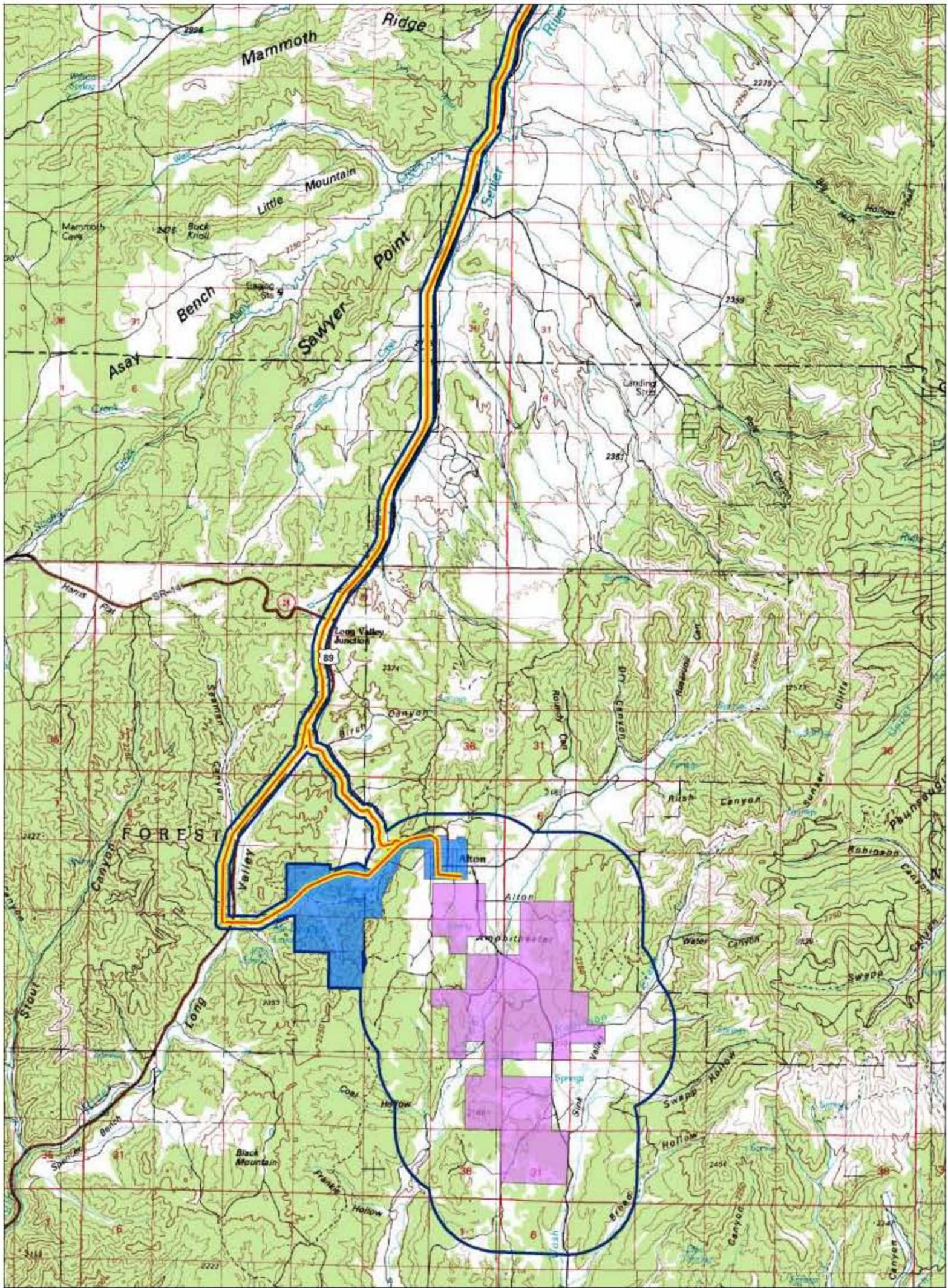
**ATTACHMENT C: CONSULTING PARTIES SUMMARY**

BLM KFO and OSM, in consultation with USHPO have identified a number of potentially interested parties and has invited each to participate as a Consulting Party for the Project consistent with 36 CFR 800.2(c)(3) et seq. BLM KFO and OSM have contacted those parties listed below to determine their interest in participating in this project as a Consulting Party.

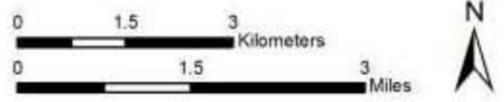
<b>Potentially Interested Party</b>	<b>Contact Person</b>	<b>Contact Method</b>	<b>Date of Contact</b>
Alton Coal Development, LLC	Larry W. Johnson	Letter	March 6, 2012
Bryce Canyon National Park	Jeff Bradybaugh, Superintendent	Letter	March 6, 2012
Bryce Canyon National Park- Historic Architect	Kim Hyatt	Letter	March 6, 2012
Cedar City	Ron Chandler, City Manager	Letter	March 6, 2012
Cowboy Collectables by CZR	Randy and Becky Yard	Letter	March 6, 2012
Garfield County Commission	Leland Pollock, Commissioner	Letter	March 6, 2012
Hatch	Kevin Eldridge	Letter	March 6, 2012
Intermountain Regional Office National Park Service	Lysa Wegman-French	Letter	March 6, 2012
Iron County Commission	Dale Brinkerhoff, Commissioner	Letter	March 6, 2012
Kane County Commission	Jim Matson	Letter	March 6, 2012
Church of Jesus Christ of Latter-Day Saints, History Department	Ben Pykles	Letter	March 6, 2012
Mormon Pioneer National Heratige Area	Monte Bona, Director	Letter	March 6, 2012
National Trails Intermountain Region National Park Service	Michael Elliot	Letter	March 6, 2012
National Trust for Historic Preservation	Rebecca Schwendler	Letter	March 6, 2012
OCTA- Oregon-California Trails Association National	Glenn Harrison, President	Letter	March 6, 2012
Old Spanish Trail Association	Dennis Ditmanson, Association Manager	Letter	March 6, 2012
Panguitch	Allen Hendrie, City Manager	Letter	March 6, 2012
Panguitch Anglers Inn	Dan and Judy Stoner	Letter	March 6, 2012
Public Lands Policy Coordination Office	David Yoder, Archaeologist	Letter	March 6, 2012

<b>Potentially Interested Party</b>	<b>Contact Person</b>	<b>Contact Method</b>	<b>Date of Contact</b>
Sierra Club	National Office	Letter	March 6, 2012
Sierra Club- Utah Chapter	Mark Clemens, Chapter Manager	Letter	March 6, 2012
Southern Utah Wilderness Alliance	Stephen Bloch, Conservation Director/Attorney	Letter	March 6, 2012
United States Environmental Protection Agency	Larry Svoboda	Letter	March 6, 2012
UPAC- Utah Professional Archaeological Council	James R. Allison, President	Letter	March 6, 2012
URARA- Utah Rock Art Research Association	Troy Scotter	Letter	March 6, 2012
US Army Corps of Engineers	Karen Clementsen	Letter	March 6, 2012
USAS- Utah State Archaeological Society	Jeff Roberts, President	Letter	March 6, 2012
Concerned Citizen	Al Matheson	Letter	March 6, 2012
Concerned Citizen	Bobbi Bryant	Letter	March 6, 2012
Concerned Citizen	Boyd Smith	Letter	March 6, 2012
Concerned Citizen	Bruce & Lue McMahan	Letter	March 6, 2012
Concerned Citizen	Carla Tuke	Letter	March 6, 2012
Concerned Citizen	Claren Heaton	Letter	March 6, 2012
Concerned Citizen	Dakota Jones	Letter	March 6, 2012
Concerned Citizen	Dee Barden	Letter	March 6, 2012
Concerned Citizen	Harriet Priska	Letter	March 6, 2012
Concerned Citizen	Jake Schoppe	Letter	March 6, 2012
Concerned Citizen	John Veranth	Letter	March 6, 2012
Concerned Citizen	Pat Henrie	Letter	March 6, 2012
Concerned Citizen	Rand Padgett	Letter	March 6, 2012
Concerned Citizen	Rebecca Gregg	Letter	March 6, 2012
Concerned Citizen	T. Michael Smith	Letter	March 6, 2012
Concerned Citizen	Tara Kelly	Letter	March 6, 2012
Concerned Citizen	Tracy Armstrong	Letter	March 6, 2012
Concerned Citizen	Vince Solvate	Letter	March 6, 2012

ATTACHMENT D: AREA OF POTENTIAL EFFECTS (APE) MAP



- Area of Potential Effects
- Lease Area
- Haul Route
- Alton, Utah

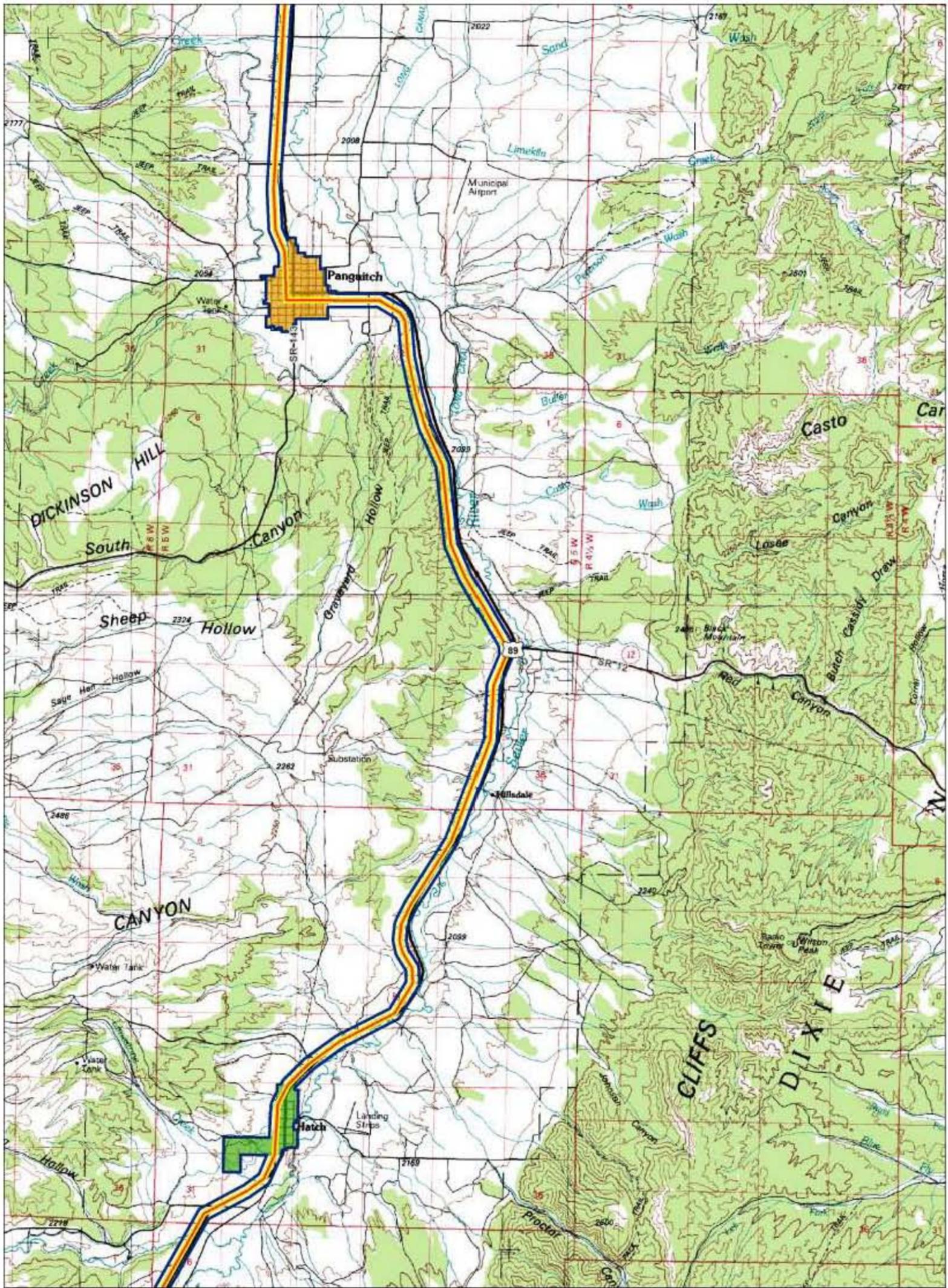


Basemap taken from the following Utah 30 x 60' USGS topographic quadrangles:  
 Panguitch  
 Kanab  
 Projection: Transverse Mercator  
 Coordinate System: UTM  
 Datum: North American Datum of 1983 (NAD 83)

No warranty is made by the BLM for use of the data for purposes not intended by the BLM.  
 This product may not meet BLM standards for accuracy and content. Different data sources and input scales may cause some misalignment of data layers.



*This page intentionally blank*



-  Area of Potential Effects
-  Haul Route
-  Panguitch Historic District
-  Hatch, Utah

Basemap taken from the following Utah 30 x 60' USGS topographic quadrangles: Panguitch

Projection: Transverse Mercator  
 Coordinate System: UTM  
 Datum: North American Datum of 1983 (NAD 83)



No warranty is made by the BLM for use of the data for purposes not intended by the BLM.

This product may not meet BLM standards for accuracy and content. Different data sources and input scales may cause some misalignment of data layers.



*This page intentionally blank*



- Area of Potential Effects
- Haul Route

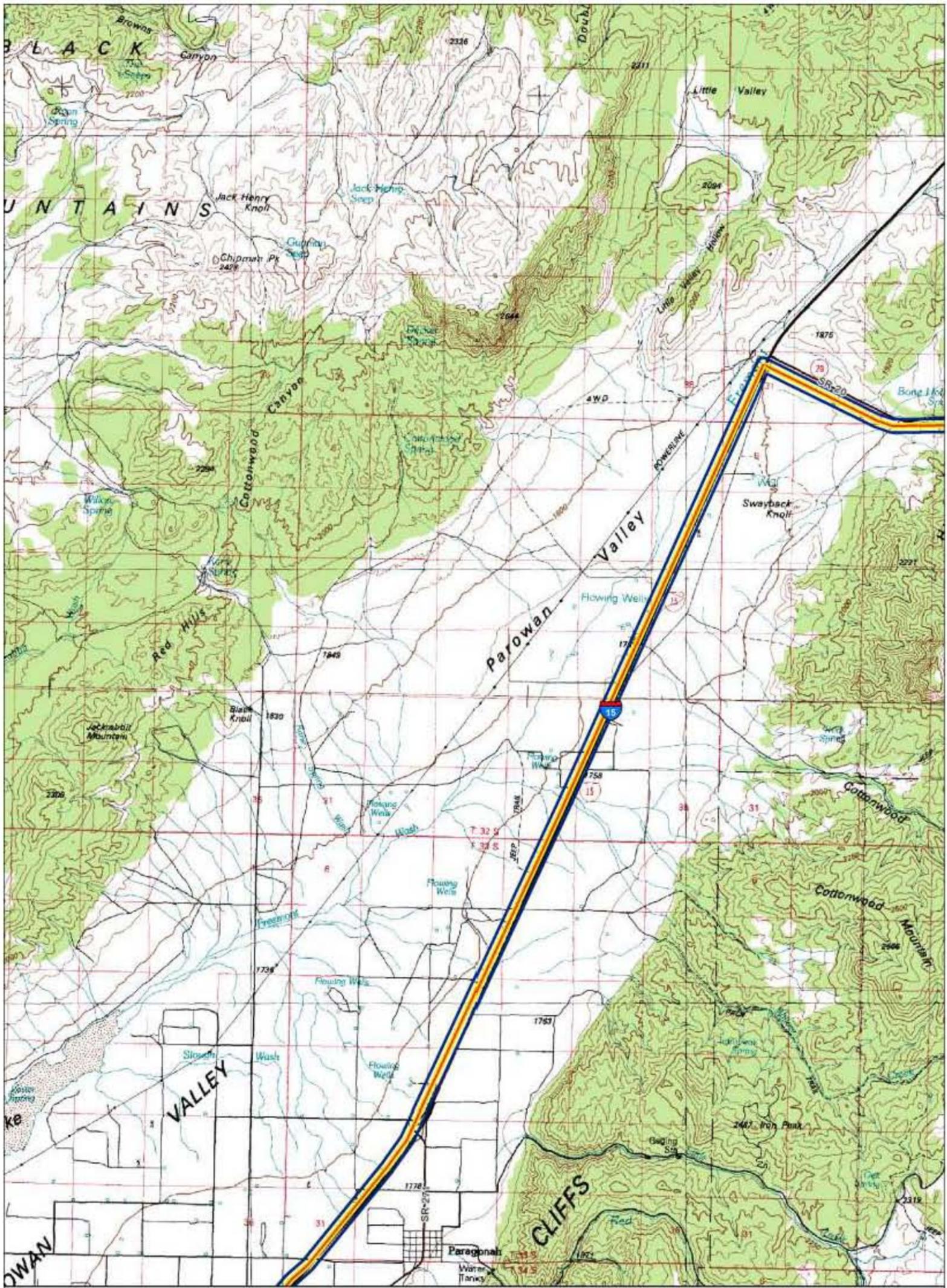


Basemap taken from the following Utah 30 x 60' USGS topographic quadrangles:  
 Pangulch  
 Beaver  
 Projection: Transverse Mercator  
 Coordinate System: UTM  
 Datum: North American Datum of 1983 (NAD 83)

No warranty is made by the BLM for use of the data for purposes not intended by the BLM.  
 This product may not meet BLM standards for accuracy and content. Different data sources and input scales may cause some misalignment of data layers.



*This page intentionally blank*



Area of Potential Effects  
 Haul Route

Basemap taken from the following Utah 30 x 60' USGS topographic quadrangles:  
 Panguitch  
 Beaver

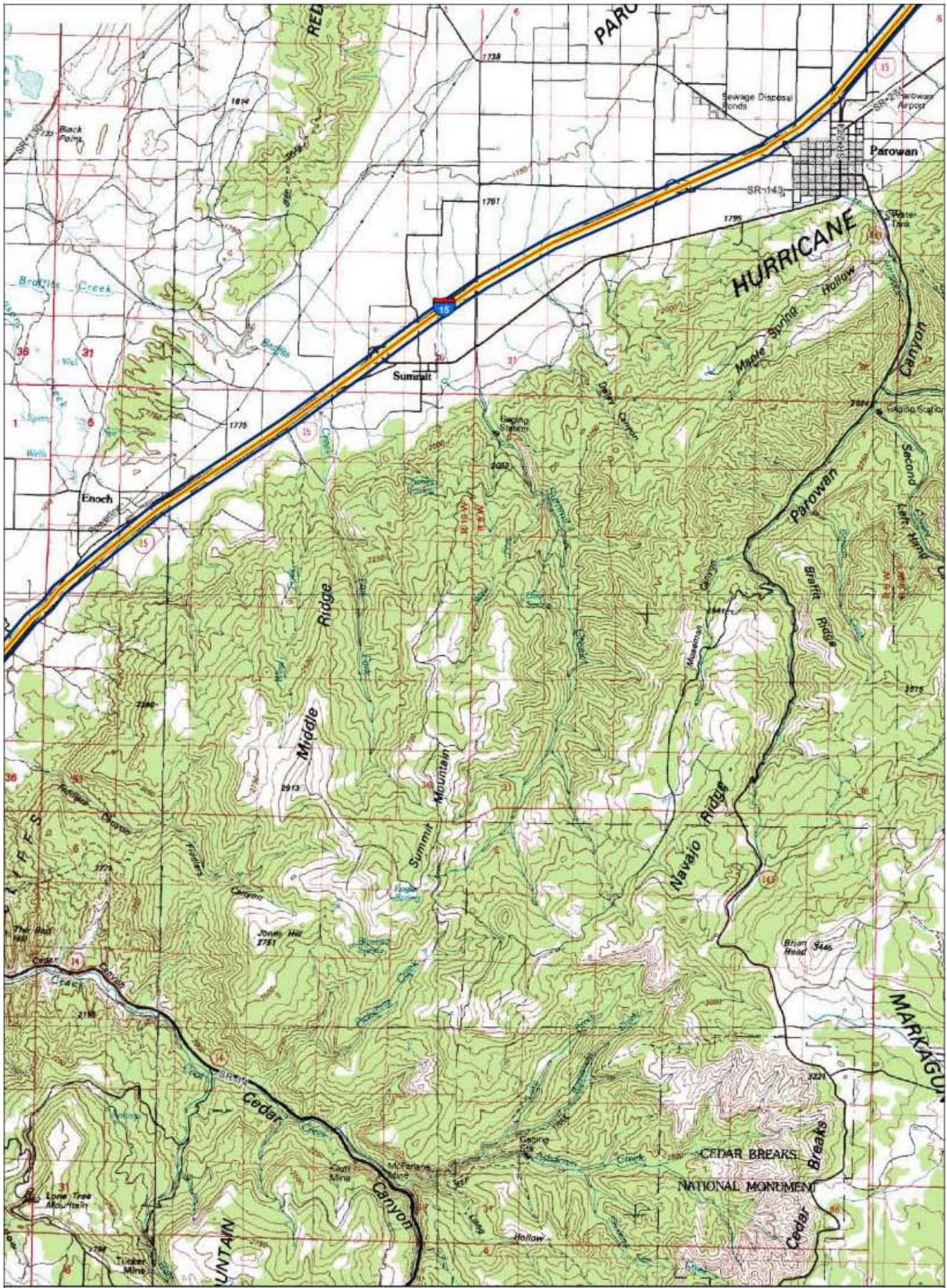
Projection: Transverse Mercator  
 Coordinate System: UTM  
 Datum: North American Datum of 1983 (NAD 83)

0 1.5 3 Kilometers  
 0 1.5 3 Miles

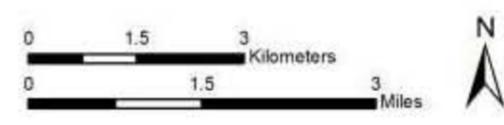
No warranty is made by the BLM for use of the data for purposes not intended by the BLM.  
 This product may not meet BLM standards for accuracy and content. Different data sources and input scales may cause some misalignment of data layers.



*This page intentionally blank*



- Area of Potential Effects
- Haul Route



Basemap taken from the following Utah 30 x 60' USGS topographic quadrangles:  
 Panguitch  
 Cedar City

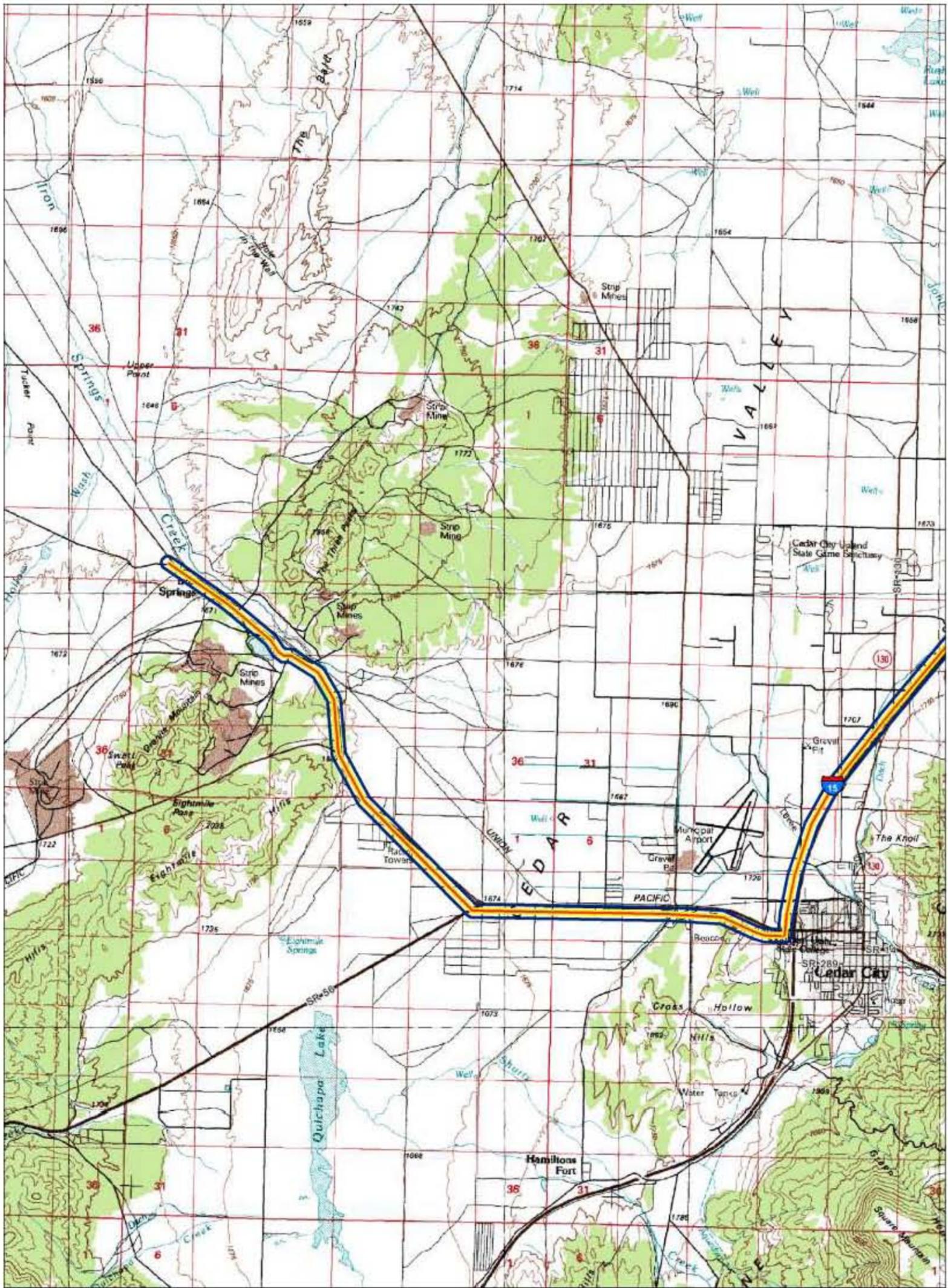
Projection: Transverse Mercator  
 Coordinate System: UTM  
 Datum: North American Datum of 1983 (NAD 83)

No warranty is made by the BLM for use of the data for purposes not intended by the BLM.

This product may not meet BLM standards for accuracy and content. Different data sources and input scales may cause some misalignment of data layers.



*This page intentionally blank*



- Area of Potential Effects
- Haul Route



Basemap taken from the following Utah 30 x 60' USGS topographic quadrangles: Cedar City

Projection: Transverse Mercator  
 Coordinate System: UTM  
 Datum: North American Datum of 1983 (NAD 83)

No warranty is made by the BLM for use of the data for purposes not intended by the BLM.

This product may not meet BLM standards for accuracy and content. Different data sources and input scales may cause some misalignment of data layers.



